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ABSTRACT

Papers on international access to information pertaining to legal research, which were presented at the 1985 conference of the International Federation of Library Associations (IFLA) include: (1) "Materials of European Intergovernmental Organizations and Their Accessibility through Available Research Tools" (Irene Berkey, Northwestern University Law Library, United States); (2) "International Organizations Documentation: Serving Research Needs of the Legal Community" (Robert W. Schaaf, Library of Congress, United States); (3) "The Availability of Research Tools in Public International Law, Especially for Documents and Publications of Intergovernmental Organizations" (Joachim Schwietzke, Library of the Max-Planck-Institute, West Germany); (4) "Law and Computer Security: The American Experience" (August Bequai, United States); and (5) "Access to Information in International Legal Research" (Jacob D. Korevaar, Harvard Law School Library, United States). (THC)

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MATERIALS OF EUROPEAN INTERGOVERNMENTAL ORGANIZATIONS AND THEIR ACCESSIBILITY THROUGH AVAILABLE RESEARCH TOOLS

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Paper to be presented at the IALL Round-Table on Access to Information in International Legal Research, IFLA Conference, August 20, 1985, Chicago, Illinois, USA

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Introduction

Western Europe has produced an abundance of intergovernmental organizations. There are now some seventeen Western European IGO's, from the Rhine Commission, which was founded in 1815 and which has the distinction of being the oldest existing international organization in the world, to the European Patent Organization, which was founded in 1977. The volume of materials produced by these organizations is enormous, and, to a large extent, not subject to systematic and comprehensive bibliographic control.

This paper describes the publications of six Western European intergovernmental organizations and, where possible, the tools which provide subject or bibliographic access to them. The organizations selected are the Benelux Economic Union, the Council of Europe, the European Free Trade Association, the Nordic Council, the Western European Union, and the European Communities. All of these are organizations whose membership consists exclusively of Western European nations and whose primary focus is economic, political, social, or legal, rather than technical. Very little will be said about the European Communities. The documentation of the European Communities has been the subject of much attention, perhaps reflecting the current level of interest in that organization, the very large quantity of material produced, and the relatively advanced state of its documentation. By contrast, information about the publications of the other IGO's is harder to come by.

First, attention will be paid to a few standard tools which provide bibliographic information or subject access for more than one of these organizations. Then, each organization will be discussed in turn. After a few introductory words about the organization, its publications and finding aids will be described. Materials are not labelled by category, such as "documents" vs. "publications" or "official" vs. "unofficial." Nevertheless, the distinctions suggested by this terminology do guide the arrangement of material.

For each IGO the basic, founding documents (usually statutes or treaties), as well as other treaties or legislation, are discussed first, followed by the official records of proceedings, annual reports, etc. Periodical publications, subject-oriented reports, and the like, are discussed next. When an index or other finding tool is relevant only to a particular title, that tool is mentioned immediately after the title which it indexes. More comprehensive finding tools (if any) are mentioned next. The paper does not attempt to be comprehensive, but rather to highlight the most important titles. Full bibliographic information will be found in the Appendix.

Access tools covering more than one organization

The first title to be mentioned is an indispensable tool for the study of Western European IGO's. The European Yearbook/Annuaire Européen [1] is published under the auspices of the Council of Europe "to promote the scientific study of European organizations and their work." For present purposes the most important feature of the Yearbook is its "Documentary Section," which includes an article (often quite lengthy) on each organization. There is no fixed format, but an article typically provides historical background and a very detailed account of the organization's activities during the year. There is sometimes a list of publications which were produced during the year. For some organizations the Yearbook may well be the only accessible source of information. The Yearbook is rather slow to publish, the latest volume being 1982, but it is expected that the use of new technology will allow for faster publication in the future.

Subject access to the official proceedings of a number of European parliamentary bodies is provided by a German publication entitled Parlamentsspiegel.[2] This covers the European Parliament (an institution of the European Communities), the Council of Europe's Parliamentary Assembly, and

the Assembly of the Western European Union. (Parlamentsspiegel also indexes the official proceedings of the German federal and state parliamentary bodies.)

An important tool which monitors the publishing output of a broad range of IGO's is International Bibliography,[3] published by UNIPUB. Materials covered "include sales publications, unpriced material issued by public information offices, and selected other unpriced material available to the public. Excluded are working documents, draft texts, press releases, and materials circulated only to staff and official recipients." For monographic materials International Bibliography provides subject access through its classified arrangement and alphabetical subject index. For periodicals it lists the contents of individual issues but does not index the articles. Unfortunately, only three of the organizations to be discussed in this paper are covered by International Bibliography to even a limited extent. For the Council of Europe and the European Free Trade Association, International Bibliography attempts to cover all materials made available to the public. For the Western European Union only the official records of the Assembly are listed. (UNIPUB has not been successful in acquiring materials from some of the other European IGO's.)[4]

For statistical information an essential tool is the Index to International Statistics,[5] which has been published by Congressional Information Service since 1983. This indexes and abstracts "basic economic, demographic, industrial and social statistics of general research value and national, international, or worldwide in scope." Only English language sources are indexed. The full texts of the source documents are reproduced on microfiche.

A few other indexes, which provide coverage of IGO periodicals and documents to an even more limited extent than the above, will be mentioned where relevant, but will be described only in the Appendix. These are Public International Law,[6] the Business Periodicals Index,[7] the Public Affairs Information Service Bulletin,[8] and the Public Affairs Information Service Foreign Language Index.[9]

The Benelux Economic Union

Cooperation between Belgium, Netherlands, and Luxembourg dates back to the 1920's. The present day Benelux Economic Union was formally established by treaty in 1958, largely as a result of the creation of the European Communities.[10] Benelux was once considered a promising experiment in international organization, but it has largely been overshadowed by the European Communities, for which, to some extent, it served as model. Many of the objectives of the Benelux Treaty, however, have been achieved. Benelux functions today as a sort of small common market within the larger European Common Market.

Publications and Finding Tools

The official source for Benelux documents is a looseleaf publication entitled in French Textes de Base Benelux and in Dutch Benelux Basisteksten.[11] This set now comprises eleven binders. Documents published in the Textes de Base include the many treaties, conventions, and protocols that have been concluded between the Benelux nations, the decisions of the Committee of Ministers, and the decisions of the Court of Justice. Texts are published in Dutch and French. This rather formidable set has no overall index but has a table of contents and is elaborately tabbed.

The reports of cases decided by the Benelux Court of Justice, in addition to being published in official form in the Textes de Base, are also published commercially by Kluwer in Belgium and by W.E.J. Tjeenk Willink in the Netherlands, in bilingual format.[12] So far, four volumes have appeared, covering the years 1975 to 1983. Subject access of sorts is provided by a cumulative "table analytique" at the end of volume four, which lists cases by very broad subject categories.

Benelux publishes a quarterly periodical, Revue Benelux,[13] which includes a statistical appendix. It does not include an index. It is indexed, to a limited

extent, in the Public Affairs Information Service Foreign Language Index.[14] Its statistical information is indexed in the Index to International Statistics.[15] Another periodical publication is Benelux-Informations,[16] published every few months.

A list of occasional publications appears in the European Yearbook.[17]

The Council of Europe

The Council of Europe, which came into existence in 1949, was the first European intergovernmental parliamentary body. Its founding instrument was the Statute of the Council of Europe. In the words of the Statute, its purpose was "to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress." The original members of the Council of Europe were Belgium, Denmark, France, Iceland, Italy, Luxembourg, the Netherlands, Norway, Sweden, and the United Kingdom. Membership has subsequently increased to 21, making the Council of Europe the largest organization of European parliamentary democracies. Much of the work of the Council of Europe is carried out by its specialized institutions, including the European Commission of Human Rights and the European Court of Human Rights, which were established by the European Convention for the Protection of Human Rights and Fundamental Freedoms. The accomplishments of the Council of Europe in the field of human rights may well be its most significant contribution.

Publications and Finding Tools

Since the publishing output of the Council of Europe is voluminous, and relatively well controlled, only the most important publications and series will be discussed here.

The many conventions and agreements which have been concluded among the various member nations of the Council of Europe are published in the

European Treaty Series.[18] A compiled edition of these texts, entitled European Conventions and Agreements[19] is now in four volumes. This edition includes the text of declarations and reservations.

The record of proceedings of the Parliamentary Assembly are published in several parts. The Official Report of Debates,[20] the verbatim record of speeches made at each session, is available in French or English editions. This is indexed by speaker and subject. The Texts Adopted by the Assembly,[21] which includes opinions, recommendations, resolutions, and orders adopted by the Assembly, is not indexed. The part entitled Documents (Working Papers)[22] is indexed by subject. Another part is the Orders of the Day/Minutes of Proceedings.[23] These last three parts are published in bilingual English/French format. Annual indexes to the Official Report, Documents, and Texts Adopted were published for the years 1949-1966/1967.[24] The official records of the Parliamentary Assembly are also indexed in Parlamentsspiegel.[25]

The recommendations of the Committee of Ministers and the resolutions of the Parliamentary Assembly are also separately published in pamphlet form. Although each recommendation has a number, they are not published as a series. For certain of the more recent conventions, "explanatory reports," in the form of small pamphlets, are published.

The human rights activities of the Council of Europe have generated a significant body of material. A volume entitled European Convention on Human Rights; Collected Texts,[26] contains the text of the Convention and its protocols, the rules of procedure of the Commission, the rules of the Court, and the text of ratifications. There is also a collected edition of the "travaux préparatoires" of the convention and its protocols.[27] The Yearbook of the European Convention on Human Rights[28] reprints basic texts, documents, and selected decisions of the Commission on the admissibility of applications. For cases decided by the Court it gives summaries.

The European Commission on Human Rights publishes reports on each of the individual applications submitted to it. These are published in offset form. Texts or abstracts are also published in a series entitled Decisions and Reports,[29] which includes a cumulative index by articles of the convention and by subject. The reports of cases decided by the European Court of Human Rights are first published in offset form. They are also published commercially by Heymanns in West Germany. These appear in two series: Series A (Judgments and Decisions), which is paperbound, and Series B (Pleadings, Arguments, Documents), which is hardbound.[30]

A major tool for accessing the case law of the Commission and the Court began publication in 1984. The Digest of Strasbourg Case-Law Relating to the European Convention of Human Rights[31] is a multi-volume work covering the years 1955 to 1982. (It supersedes an earlier edition which covered the years 1955 to 1967.) The Digest is arranged according to the articles of the European Convention, with a subject index at the end of each volume. Each entry gives selected abstracts which are quotations from the text of the decision or report. Cases which have referred to the extract are cited. Thus, the Digest serves a limited citator function.

There appears to be no comprehensive list of all Council of Europe materials. The best source is the sales catalog, entitled Catalogue of Publications, published annually. This is primarily arranged by subject categories, interspersing various types of publications (recommendations, resolutions, colloquy proceedings, etc.) It also lists publications issued under Council of Europe auspices. From time to time the Council of Europe also issues lists of material available in various subject categories. Manhattan Publishing Company, the U.S. distributor for Council of Europe publications, has prepared a useful "Supplementary List of Publications." Issued in winter 1982/83, this list is now somewhat out of date. This includes non-catalogue publications as well as out-of-print sales items still in stock at the time.

European Free Trade Association

Unlike the better known European Economic Community, the European Free Trade Association (EFTA) is neither a common market nor a supranational organization, but rather a pure free trade area. EFTA come into existence largely as a reaction to the creation of the European Economic Community.[32] The original members of EFTA, the so-called "Outer Seven" (in contrast to the "Inner Six" original members of the EEC) were Austria, Denmark, Norway, Portugal, Sweden, Switzerland, and the United Kingdom. Denmark and the United Kingdom withdrew and joined the European Communites in 1973. Iceland joined in 1970 and Finland has been an associated member since 1961. The founding document of EFTA, the Stockholm Convention, was signed on January 4, 1960. The primary activities of EFTA initially involved the removal of trade barriers on non-agricultural products between its member states, but its activities have subsequently broadened.

Publications and Finding Tools

The text of the Stockholm convention is available from the EFTA Secretariat in a bilingual (French-English) looseleaf edition,[33] which is kept up to date by the inclusion of amendments and annexes. A paperback edition is also available.[34]

EFTA issues several publications on a regular basis. The Annual Report has been published since 1967. The EFTA Bulletin,[35] which is published quarterly, contains articles, statistics, and documents, and lists important Council decisions. It does not have an index. It is indexed in the Public Affairs Information Service Bulletin[36] and the Business Periodicals Index,[37] and the contnets of individual issues are listed in International Bibliography.[38] There is a newsletter, the EFTA Reporter.[39] EFTA Trade,[40] a valuable source of economic data, was published irregularly from 1959 to 1967 and annually from 1968 on.

The best source of information for materials currently available from EFTA is the list published in each issue of the EFTA Bulletin, frequently on the inside back cover.

The Nordic Council

Cooperation among the Nordic countries has a long history, dating back to the 1800's. The present organization came into existence primarily as a result of the failure to establish a Scandinavian defence union. The Nordic Council was established, not by treaty, but rather by legislation enacted by each of the member governments, based on draft statutes completed in November 1951. The original members were Norway, Sweden, Denmark, and Iceland. Finland joined in 1956. The Nordic Council operated without a formal treaty until 1962. When Great Britain decided in 1961 to apply for membership in the EEC, and Denmark followed suit, it was felt that a firmer organizational structure was needed in order to negotiate effectively with the EEC. The resulting document was the Helsinki Treaty, signed on March 23, 1962.

Publications and Finding Tools

The texts of the Helsinki Treaty and the many other Nordic agreements are collected in the Nordisk Statusamling,[41] which has appeared annually since 1970. This contains a subject index. A selection of basic agreements may be found, in unofficial English translation, in a compilation entitled Cooperation Agreements between the Nordic Countries.[42]

Since 1953 the proceedings of the Nordic Council, including the records of debates and documents pertaining to each session have been published, under the title Nordisk Raad or Nordiska Raadet.[43] Two cumulative indexes to the Nordiska Raadet have been published, covering the years 1953-1964 and 1965-1974 respectively.[44] A subject approach to the recommendations of the Council is provided by a work entitled Nordiska Raadets Verksamhet 1952-1970,[45] which

analyzes Council recommendations and their implementation.

The various committees of the Nordic Council produce a large number of expert reports. (To date, more than 500 such reports have appeared.) These reports (as well as many other publications of the Nordic Council) are published as part of a large series entitled Nordisk Utredningsserie ["Series of Nordic Reports]" , abbreviated NU. Most of the expert reports are written in Danish, Norwegian, or Swedish. In addition to these reports, the NU series also includes, in English, the proceedings of various conferences with have been held under the auspices of the Nordic Council for the benefit of members of other international organizations. A list of publications in the NU series is usually to be found at the back of individual volumes in the series. In addition, there is a catalog covering the years 1960 to 1979.[46]

The Nordic Council publishes a periodical, Nordisk Kontakt,[47] which contains information on the activities of the national parliaments of the five member countries and of the Nordic Council. Articles are written in Danish, Norwegian, or Swedish. Nordisk Kontakt is indexed in Public International Law,[48] within the scope of coverage of that publication. A valuable source of statistical information on the Scandinavian countries is the Yearbook of Nordic Statistics.[49]

As has been mentioned, the publications in the NU series are listed inside each volume, and there is a retrospective catalog. There is one other source of information. A record of the publishing output of the Nordic Council appears in the Danish bibliography of official publications, the Bibliografi over Danmarks Offentige Publikationer,[50] which is published annually. The index provides subject access to the publications in the NU series. The index is in Danish. There is an English language list of the main subject headings, which refers to the corresponding term. The table of contents is, to some extent, translated into English.

The Western European Union

The Western European Union (WEU) is primarily concerned with matters of collective self-defense and political collaboration. The WEU, which grew out of the earlier Brussels Treaty Organization, came into existence in 1954, with the revival of the Brussels Treaty of 1948, largely in order to provide a framework for the rearming of the Federal Republic of Germany. The members of the WEU are Belgium, France, the Federal Republic of Germany, Italy, Luxembourg, the Netherlands, and the United Kingdom. Today the WEU is completely subordinate to NATO in military matters and not as significant in economic or social matters as the European Communities or the Council of Europe, but the WEU does continue to monitor developments and make recommendations in matters of security.

Publications and Finding Tools

The text of the Brussels Treaty with its amending protocols is available from the WEU.[51]

The Proceedings [52] of the Assembly are issued in two parts: the Documents and the Official Report of Debates. The Documents volumes contain all documents submitted for discussion, such as reports, motions for recommendations, resolutions, and amendments. The Official Reports of Debates includes the Orders of the Day, the Minutes, and the verbatim report of the session. The Official Report of Debates is indexed by speaker and by subject. (In addition, some of the recommendations adopted by the Assembly are reprinted in the European Yearbook;[53] along with the Council's replies.) As has been mentioned, subject access to the Assembly proceedings is provided by the Parlamentsspiegel.[54]

Other official documents include the Annual Report of the Council to the Assembly;[55] which covers the activities of the Council and of the Committees, and the Charter and Rules of Procedure of the Assembly.[56]

A number of other significant publications have emanated from the WEU, including various symposiums and reports on the subject of armament. These are

listed in the WEU's Catalogue, a small brochure which includes brief descriptions and prices of items which are in print.

European Communities

As has been mentioned before, the documentation of the European Communities has been the subject of many studies. [57] This paper will merely note a few the more comprehensive tools, most of which are relatively recent. These fall (roughly) into four categories: retrospective indexing of legislation, retrospective indexing of case law, current indexing of COM documents, and current indexing of all Community materials. Some of these tools have been developed by the European Communities and some are commercially produced.

The first of these is the Guide to EEC-Legislation,[58] produced under the auspices of the Asser Institute in the Hague. This first appeared in 1979 and is now in its second edition. This tool provides cumulative indexing to the Official Journal, including non-current legislation, and describes the legislative history of Community acts. The basic arrangement is by Treaty article, with subject, chronological, and geographical indexes. (An index to Community legislation currently in force is the Register of Current Community Legal Instruments,[59] published by the European Communities. This is in two volumes, the first of which is provides a classified arrangement of material and the second of which includes chronological and alphabetical indexes.

As for the case law of the European Communities, there are three tools which provide retrospective indexing. The Guide to EC Court Decisions,[60] also produced under the auspices of the Asser Institute, is a cumulative index to the case law of the Court of Justice of the European Communities. It also covers decisions of the Hight Authority of the ECSC and the Commission of the European Communities in antitrust matters. For each case it provides references to legislation and articles discussing the case. The basic arrange-

ment is by registrations number, and there are several indexes, including an alphabetical subject index.

Another index to Community case law is the Gazzetteer of European Law,[61] compiled by Nevill March Hunnings, and published in 1983. This includes not only the case law of the Court of Justice and the Commission (on antitrust matters) but also reports of national courts. Since it gives references to cases citing the main case, the Gazzetteer of European Law also serves as a citator.

The third retrospective index to case law, published by the European Communities, is the Digest of Case-Law Relating to the European Communities.[62] This is a looseleaf format work, which will be published in four series, each devoted to a different aspect of the case law of the Court of Justice, and also including case law of member states.

The COM documents produced by the Commission of the European Communities are an important source for information on draft legislation. There are two new tools which provide subject access to these documents. Since 1983 the Commission has been publishing a monthly catalog, which cumulates annually.[63] It follows a classified arrangement, with alphabetical and numerical indexes. The catalog is automatically supplied to subscribers to COM documents; it is also available separately. A commercially published index to COM documents is the Index to Documents of the Commission of the European Communities,[64] compiled by Giancarlo Pau. It is also arranged by subject categories, with alphabetical and numerical indexes. This has been published annually since 1981.

Finally, a new tool has been announced which promises to provide current access to the whole gamut of European Communities materials. The EC Index, published by EuropeData, is expected to be published monthly, with quarterly and annual coumlations. At the time this paper was written, only a pilot issue had appeared.

Conclusion

Ten years ago Carolyn Kohler of the University of Iowa Libraries, speaking of intergovernmental organizations generally, said

> "What we ideally need is one massive catalog covering all IGO's, including documents and printed publications, and analytically indexing all, including periodicals. Failing this, we need assurance that all IGO's will adequately index their own publications, particularly including the so-called limited distribution and technical reports."[65]

These words are relevant today for most of the Western European IGO's. Nonetheless, it is hoped that this paper has helped shed light on some of those access tools which do exist.

Appendix

[1]Annuaire européen/European Yearbook. The Hague: Nijhoff, 1955- Annual.

[2]Parlamentsspiegel. Dusseldorf: Landtag Nordrhein-Westfalen, 1957- Annual.

[3]International Bibliography. New York: UNIPUB, 1983- Quarterly.

Continues International Bibliography, Information, Documentation (sometimes referred to as IBID) which began publication in 1973.

[4]Conversation with John R. Roos, Consulting Editor of International Bibliography, May 16, 1985.

[5]Index to International Statistics : IIS. Washington, D.C.: Congressional Information Service, 1983- Monthly with quarterly and annual cumulations. Issued in two parts: pt.1 Abstracts and pt.2 Index

[6]Public International Law: a Current Bibliography of Articles. Berlin, New York: Springer, 1975- Semiannual.

"Compiled by collaborators of the Max-Planck Institute for Comparative Public Law and International Law." Indexes articles on international law in journals and other collected works. Official documents are excluded. Classified arrangement with author and subject indexes.

[7]Business Periodicals Index. New York: H. Wilson Co., 1958- Monthly with annual cumulation.

Indexes English language periodicals in a number of business-related subjects.

[8]Public Affairs Information Service Bulletin. New York: Public Affairs Information Service, 1967- Semimonthly with three quarterly cumulations and annual bound volume.

Indexes English language books, articles, and government documents in the areas of public affairs and economics. For intergovernmental organizations, "statistical publications, directories, and studies and reports on substantive issues within the scope of PAIS are indexed. Proceedings, resolutions and administrative documents pertaining mainly to the functioning of the organizations are not indexed."

[9]Foreign Language Index. New York: Public Affairs Information Service, 1968/71- Quarterly with annual cumulation.

A counterpart to the PAIS Bulletin, footnote 8, for materials in French, German, Italian, Portuguese, and Spanish.

[10]An important source for interpretation of the Benelux treaty is Karelle, Jacques, Le Benelux commenté, textes officiels, by Jacques Karelle and Fritz de Kemmeter. Bruxelles: Bruylant, 1961. A study of events leading up to the formation of Benelux is Meade, James E., Negotiations for Benelux: An Annotated Chronicle, 1943-1956. Princeton, N.J.: International Finance Section, Dept. of Economics and Sociology, Princeton University, 1957 (Princeton Studies in International Finance, no.6). This was also published by Oxford University Press in 1957.

[11]Benelux Economic Union. Textes de Base Benelux/Benelux Basisteksten. Brussels: Union Economique Benelux, 1958- looseleaf

[12]Cour de Justice Benelux. Cour de Justice Benelux: Jurisprudence/Benelux-Gerechtshof: Jurisprudentie. Antwerp: Kluwer; Zwolle: W.E.J. Tjeenk Willink, 1980-

[13]Revue Benelux/Benelux Tijdschrift. Union Economique Benelux, 1954- quarterly

[14]See above, footnote 9.

[15]See above, page 3.

[16]Benelux-Informations (unverified)

[17]See above, page 2.

[18]Council of Europe. European Treaty Series; Agreements and conventions Concluded between the Members of the Council of Europe. Strasbourg: Council of Europe, 1949-

[19]European Conventions and Agreements/Conventions et Accords. Strasbourg: Council of Europe, 1971-

[20]Council of Europe. Parliamentary Assembly. Official Record of Debates. Strasbourg: Council of Europe, Sept. 1974-

Published 1949-1974 under earlier name, Consultative Assembly.

[21]Council of Europe. Parliamentary Assembly. Texts Adopted by the Assembly/ Textes adoptes par l'Assemblee. Strasbourg: Council of Europe, 1974-

Published 1949-1974 under earlier name, Consultative Assembly.

[22]Council of Europe. Parliamentary Assembly. Documents, Working Papers/ Documents de Seance. Strasbourg, Council of Europe, 1974-

Published 1949-1974 under name earlier name, Consultative Assembly.

[23]Council of Europe. Parliamentary Assembly. Orders of the Day,Minutes of Proceedings/Ordres du jour,Proces-Verbaux. Strasbourg: Council of Europe, 1974-

Published 1949-1974 under earlier name, Consultative Assembly.

[24]Council of Europe. Consultative Assembly. Index of the Official Records. 1st-18th sess. Strasbourg: Council of Europe, 1949-1967. Annual.

[25]See above, page 2.

[26]European Convention on Human Rights; Collected Texts/Convention européenne des droits de l'homme; recueil de textes. Strasbourg: Council of Europe, 1981.

[27]Council of Europe. Collected Editions of the "Travaux Préparatoires"/ Recueil des "travaux préparatoires". The Hague: Nijhoff, 1975-

[28]Council of Europe. European Convention on Human Rights. Yearbook of the European Convention on Human Rights. The Hague: Nijhoff, 1959- Annual.

[29]European Commission of Human Rights. Decisions and Reports/Décisions et rapports. Strasbourg: Council of Europe, 1975-

This supersedes an earlier series entitled Collection of Decisions, which was published from 1960 to 1974.

[30]Council of Europe. European Court of Human Rights. Publications. Série A: Arrêts et décisions/Series A: Judgments and Decisions. Strasbourg: Council of Europe, Registry of the Court; Köln: C. Heymanns-Verlag, 1960-

Council of Europe. European Court of Human Rights. Publications. Série B: Mémoires, plaidoiries et documents/Series B: Pleadings, Oral Arguments and Documents. Council of Europe, Registry of the Court; Köln: C. Heymanns-Verlag, 1962-

[31]Digest of Strasbourg Case-Law Relating to the European Convention on Human Rights. Köln: C. Heymanns-Verlag, 1984-

[32]Great Britain. Paymaster General's Office. Negotiations for a European Free Trade Area: Documents Relating to the Negotiations from July, 1956, to December, 1958. London: H.M.S.O., 1959. (Gt. Britain. Parliament. Papers by Command, Cmnd. 641)

[33]European Free Trade Association. Convention Establishing the European Free Trade Association/Convention instituant l'Association européenne de libre-échange. Geneva: European Free Trade Association, 1973-

[34] Convention Establishing the European Free Trade Association. Geneva: European Free Trade Association, 1979.

[35] EFTA Bulletin. Geneva: European Free Trade Association, 1960- Monthly

[36] See above, footnote 8.

[37] See above, footnote 7.

[38] See above, page 3.

[39] EFTA Reporter. Geneva: Press and Information Service of the European Free Trade Association, 1979-

Continues the publication of the same title published in Washington, D.C. from 1961 to 1972.

[40] European Free Trade Association. EFTA Trade. Geneva: European Free Trade Association, 1953/63-

[41] Nordisk Statusamling. Stockholm: Nordiska Raadet, 1970- Annual.

[42] Cooperation Agreements between the Nordic Countries: a Compilation of some of the Basic Cooperation Agreements between Denmark, Finland, Iceland, Norway, and Sweden. 2nd rev. ed. Stockholm: Nordic Council, 1978. (NU A: 1978:)

[43] Nordisk Raad. Copenhagen: 1953-

[44] Nordiska Raadet: Register 1953-1964. Sammanstaalt av Olof Wallmen. Stockholm: Fritzes Hovbokh. (distr.), 1969 (NU 1969:19)

Nordiska Raadet: Register 1965-1974. Sammanstaalt av Olof Wallmen. Stockholm: Fritzes Hovbokh. (distr.), 1978 (NU A 1977:16)

[45] Holmstedt, Sven. Nordiska Raadets Verksamhet 1952-1970. Stockholm: Fritzes Hovbokh. (distr.), 1972 (NU 1971:14)

[46] Nordisk Utredningsserie 1960-1979: Katalog: 500 Nordiske Publikationer udsent i Nordisk Utredningsserie 1960-1979. Stockholm: Fritzes Hovbokh. (distr.), 1980 (NU A 1980:8)

[47] Nordisk Kontakt. Stockholm: Nordic Council, 1955-

[48] See above, footnote 6.

[49] Yearbook of Nordic Statistics/Nordisk Statistik Årsbok. Stockholm: Nordic Council, 1962-

[50] Bibliografi over Danmarks Offentlige Publikationer. Copenhagen: Danmarks Institut for International Udveksling af Videnskabelige Publikationer. Annual.

[51] Brussels Treaty as Amended by the Protocol Modifying and Completing the Brussels Treaty...London: Secretary General of Western European Union, 1958

[52] Western European Union. Proceedings of the Assembly/Actes officielles de l'Assemblée. Strasbourg: Western European Union, 1955-

[53] See above, page 2.

[54] See above, page 2.

[55] Western European Union. Annual Report of the Council to the Assembly. Paris: Western European Union, 1955-

[56] Western European Union: Charter and Rules of Procedure/Charte et Règlement. Strasbourg: Western European Union, 1958.

[57] Among the most useful studies are Kearley, Timothy, "An American Researcher's Guide to European Communities Law and Legal Literature," 75 Law Library Journal 52 (1982); Hopkins, M. Publications, Documentation and Means for their dissemination in the Commission of the European Communities. London: British Library; Boston Spa, West Yorkshire: Distr. by Publications, British Library Lending Division, 1981 (British Library Research and Development Reports, no. 5618); Jeffries, John. A Guide to the Official Publications of the European Communities. 2nd ed. London, Mansell, 1981; Krucoff, Ella, "The European Community: Institutions and Publications," 6 Government Publications Review 145 (1979)

[58] Guide to EEC-Legislation. Alfred E. Kellerman, et al., 2nd ed. Amsterdam, New York: North Holland; sole distr. for the USA and Canada, Elsevier Science Pub. Co., 1983. 3 vols. with annual supplements

[59] Register of Current Community Legal Instruments. Luxembourg: Office for Official Publications of the European Communities, 1980-

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A 1983-84 supplement has been published.

[61] Hunnings, Neville March. Gazzetteer of European Law: Case Search, European Community Law, 1953-1983. London: European Law Center, 1983. 2v.

[62] Digest of Case-Law Relating to the European Communities. Luxembourg: Office for Official Publications of the European Communities, 1981-

In four series, A-D, of which the A and D series have begun publication to date. The A Series deals with "cases before the Court of Justice ..., excluding matters dealt with in the C and D series." The B Series deals with "cases before courts of Member States, excluding matters dealt with in the D Series." The C Series " deals with "cases before the Court of Justice ... concerning officials of the European Communities." The D Series deals with "cases before the Court of Justice ... and before courts of Member States concerning the Convention of 27 September 1968 on Jurisdiction and the Enforcement of Judgments in Civil and Commercial Matters."

[63] Commission of the European Communities. Documents. Periodic Catalogue. Brussels: Office for Official Publications of the European Communities, 1984-

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INTERNATIONAL ORGANIZATIONS DOCUMENTATION: SERVING RESEARCH NEEDS OF THE LEGAL COMMUNITY

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ABSTRACT

The author, a specialist on international organizations at the Library of Congress, discusses LC's huge international collections and stresses that many international documents, as opposed to international publications, are not sent to libraries. To confirm an impression about an increase in the number of inquiries from the legal community, the author has surveyed and classified requests received over an 18-month period. Almost 20 percent of the inquiries related to legal matters, and the most frequent questions have concerned the law of the sea, human rights matters, the International Court of Justice, outer space, transnational corporations and environmental matters. Detailed examples of how some of these legal inquiries have been handled are provided. Because international publications only, rather than documents, are received from a number of the organizations, stress is placed on the importance of contacts with information personnel in the agencies as well as with U.S. officials who work with the international organizations.

INTERNATIONAL ORGANIZATIONS DOCUMENTATION: SERVING RESEARCH NEEDS OF THE LEGAL COMMUNITY

Robert W. Schaaf

Library of Congress

May 1985

Introduction. The author has worked closely for a good many years with the documentation of international organizations and conferences. All of this service has been at the Library of Congress, the world's largest library. Considering both international, intergovernmental organizations (IGOs) and international nongovernmental organizations (NGOs), the Library of Congress (LC) has a truly immense collection of international publications.

For some years now it has seemed that an increasing number of inquiries have come to this librarian from members of the legal community--whether from staff members of government agencies, representatives of private law firms, law school faculty members, or law students. While it is somewhat difficult to categorize inquiries, and it often seems to me that legal researchers can be looking for almost any type of document or information, the panel moderator suggested that it might be instructive to provide an idea of the types of inquiries received and how they are handled. Some light might be shed on the problems of international legal research by reviewing some of the practical experiences of a librarian who works closely with a large international organization collection.

Number and Type of International Organizations and Kinds of Documentation. Before proceeding, I want to make sure we are being precise when referring to international organizations and their issuances. Recent editions of the Yearbook of International Organizations [1] have provided statistics indicating that there are more than 300 active intergovernmental organizations and more than 4,000 international, nongovernmental organizations. Intergovernmental organizations are established by an agreement among sovereign states, whereas nongovernmental organizations are normally created as unions of national associations or of individuals. It is the intention to concentrate in this paper on intergovernmental organizations (IGOs) and their documentation. At the same time it is important to distinguish between IGO publications and IGO documents. This distinction, though often not clearcut even within a single organization, is an important one that has a great bearing on the ease with which one can locate international organization materials in a library.

Publications are normally printed items available to the general public and usually for sale, while documents are working papers issued in connection with the functioning of the organization or one of its component parts, and they are produced mainly for the use of member states and their delegations.

It has been estimated [2] that for all the organizations in the United Nations family--the UN proper and the specialized and related organizations, and considering all language versions, approximately 180,000 pieces are produced annually but only about 7,500 items, or five percent of the total, are publications. While IGO publications are often somewhat complex, these materials are more readily handled in libraries than IGO documents. This is just as true of the Library of Congress as of smaller research libraries. And with the great size of LC's collections, it may fairly be said that its problems in acquiring, organizing, and servicing international organization materials are greater than those of other libraries. Many IGOs distribute only their publications and not their documents, and yet the latter type of item may be just what is needed to answer a researcher's question--either in the international legal field or in any other subject.

International Collections in the Library of Congress. To meet the needs of its many publics the Library of Congress acquires publications in virtually all subjects and languages. In the field of international, intergovernmental organizations LC tries for comprehensive coverage of all the IGOs of which the United States Government is a member. The number of such organizations is approximately 80 [3]. But beyond these, LC also acquires extensively from other international organizations such as the European Communities and most other multilateral agencies such as the Organization of African Unity, the Association of Southeast Asian Nations, the Latin American Free Trade Association, and so forth.

The Library of Congress is fortunate in having depository status for the United Nations proper, the United Nations Educational, Scientific and Cultural Organization (UNESCO), the Food and Agriculture Organization of the United Nations (FAO), the General Agreement on Tariffs and Trade (GATT), the World Health Organization (WHO), the World Intellectual Property Organization (WIPO), and other major organizations such as the European Communities and the Organization of American States (OAS). The vast bulk of international organization materials is acquired either through deposit or gift and exchange, but LC also purchases some current IGO materials and makes extensive purchases of IGO microform sets that have been made available.

Throughout its history it has been LC's policy to see that major items from intergovernmental organizations (as well as other publishers) are cataloged and integrated into

the general collections according to the appropriate subject classification. In addition to making its bibliographic records available to users in the Library's reading rooms, LC has also made its cataloging, first in card and book form and more recently in machine-readable form, available to outside institutions and individuals. Today the Library's MARC (MAchine Readable Catalog) records are loaded onto various online bibliographic systems. The public and staff have access via terminals in the buildings to the machine-readable records covering IGO materials as well as all other types of conventional library materials. Thus, many international publications, both monographs and serials, can be identified quickly by anyone who has access either to the online records or to the published book (and now, microform) catalogs. Such materials can be called for from the Library's stacks without the intervention of any librarian. However, most IGO documents, as opposed to publications, are not individually cataloged. For these, the user has to consult the appropriate indexes, such as UNDOC: Current Index; United Nations Documents Index, or seek the assistance of reference librarians in the various reading rooms.

The Library of Congress does not have a documents department as such, but through a 1978 reorganization a government publications section was established in the Serial Division which was redesignated the Serial and Government Publications Division. This division is the focus for documents work and has a core staff of reference librarians who work closely with documents at all levels of government: Federal, international, state and local, and foreign. The division receives unbound current documents as well as newspapers and periodicals and prepares the items for binding for the general collections. The author, who serves in the division as the Senior Specialist in United Nations and International Documents, like his immediate colleague, the Senior Specialist in U.S. Government Publications, does not serve at a reading room desk. Inquiries are referred by the division's reading room staff as well as the staff of the Library's two general reading rooms, the Law Library, and other LC units. In addition to conferring with individuals personally, the author also receives inquiries by letter and telephone. Both of the division's senior specalists serve pretty much as a court of last resort in their respective fields. Thus, the more difficult international organization inquiries not answered elsewhere in LC--and often in other libraries throughout the United States and Canada, are likely to wind up on my desk.

While LC serves as a depository for many international organizations and also acquires IGO materials extensively, there are many IGO items that are not received routinely by the Library of Congress. As indicated above, this is particularly true for IGO documents as opposed to publications. Examples of agencies in the United Nations system from which LC receives only publications and

not documents are the General Agreement on Tariffs and Trade (GATT), the International Maritime Organization (IMO), the International Monetary Fund (IMF), the World Bank and its affiliates, the International Telecommunication Union (ITU), the Universal Postal Union (UPU), the World Health Organization (WHO), the World Intellectual Property Organization (WIPO), and the World Meteorological Organization (WMO). An important example of an organization outside the UN system from which LC receives only publications and not documents is the Organization for Economic Cooperation and Development (OECD). LC does receive certain classes of documents as well as publications from the European Communities, the FAO, UNESCO and the International Atomic Energy Agency (IAEA). In the case of the United Nations, LC probably acquires more than 10,000 items yearly. The author makes the selection of UN items that will be given full cataloging. Almost no mimeographed UN documents are selected for cataloging; these are arranged by alphanumeric symbol and housed in the Serial and Government Publications Division. The Library has increasingly emphasized microforms, and in recent years the Serial and Government Publications Division has acquired a large collection of UN microforms which ultimately will replace paper copies.

Cooperation with Other Agencies. The Library of Congress collections are thus very extensive, but with regard to documents in particular, are far from complete. Because LC is a depository for many IGOs and acquires widely from other international agencies that do not have depository programs, it is my view that LC should be able to answer most international organizations requests or be able to tell an inquirer where he can get an answer most easily. Oftentimes documentary material may only be at the State Department or at another agency which has responsiblity for coordinating American participation in an international organization. In making referrals to these U.S. offices, which are normally not connected with agency libraries, LC has to be very careful as these units are not set up to serve the public.

Fortunately, Washington is the location for a number of major organizations such as the International Monetary Fund, the World Bank, the Inter-American Development Bank, the Organization of American States and the Pan American Health Organization, which is the Western Hemisphere Regional Office of WHO. Both the European Communities and the United Nations Information Centre have extensive reference services, and referrals are frequently made to these organizations. On the other hand, LC also receives referrals from these agencies. For many other IGOs there are small regional offices in Washington which can often be helpful to inquirers. Examples are the offices of FAO, the International Labor Organization, UNESCO, and the Organization for Economic Cooperation and Development.

Classification of Queries Handled by the International Organizations Specialist. In surveying reference inquiries to identify questions from members of the legal community, I examined the records for a recent 18-month period and found that overall I had handled an average of about 65 queries monthly. This has been a fairly consistent average for recent years. Trying to classify the types of requests, the author found that the inquiries could be grouped roughly as follows: about 45 percent of the questions related to the United Nations, 20 percent to one or more of the specialized agencies, 20 percent to other international organizations (often nongovernmental organizations), about 6 percent to international conferences, 8 percent to subjects or geographic areas likely to be covered in international materials and a final 12 percent could only be classified as "other." Because the figures are not precise they do not add up to 100 percent. This breakdown corresponds quite closely to a five-month survey covering late 1982 and early 1983 [4]. To classify the questions, the author examined the records to see whether the information and/or materials provided to an inquirer were primarily by or about the UN, by or about a specialized agency, and so forth. The next step was to review all the questions individually to see what percentage came from members of the legal community or could be classified mainly as questions about legal materials. With more than 1,100 inquiries overall and more than 200 of these involving international law, the resulting figure was near 20 percent. Quite often, unfortunately, individuals who call or are referred may not give their institutional connection. But in a good many instances the complexity of the questions was such that it was necessary to have more than one contact on the same subject or a closely related one, and in these instances I always obtained the name and location of the person. In some cases, there were up to five or six contacts with the same person before the inquiry could finally be classified as cleared. There were a good many cases, thus, where this librarian and the inquirer discussed the same basic question on multiple occasions.

Because of time and space constraints and the inadequacy of some of the records it is difficult to give a good picture of how certain inquiries were handled and the steps that were involved. It is to be hoped, however, that the following accounts will prove to be useful or interesting. One other point to mention is that some of the questions were not necessarily very challenging in themselves. What made some of the requests interesting was the people who posed the questions. It is not possible, of course, to reveal who the specific inquirers were, but a general indication can be given of who asked a particular question.

Types of Legal Requests Handled. With the many new norms of international law established by international organizations today, the types of inquiries directed to this librarian have probably been similar to those received by

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many other librarians who are involved in trying to assist the international legal researcher. The questions have covered subjects such as the law of the sea, the law of outer space, transnational corporations, human rights, sovereignty over natural or cultural resources, the environment and technology transfer as well as the more traditional subjects of public interntional law such as military conflict and arms control [5]. There were also numerous questions in the field of private international law.

A review of the records shows that for questions worth recording in any detail, the author received the most inquiries on the law of the sea, human rights matters, questions relating to the International Court of Justice (ICJ), outer space, transnational corporations and environmental matters. It is routine, of course, to receive requests for international organization reports that have just been the subject of a press report. Such items naturally do not show up in the Library's catalog. To help in handling this type of request, I am extremely fortunate in being able to make a local telephone call to the United Nations Information Centre or the State Department. At the same time, it is important to note that I am in close touch with a staff member of the Library's Congressional Research Service (CRS) who handles many international organization questions. This CRS staff member receives most categories of UN documents directly through the United States Mission to the UN--much faster than the Library receives UN documents as a depository library. It should be noted that the majority of requests I receive from Congressional committees or individual Congressional offices are received indirectly through the Library's Congressional Research Service. And these requests may only be to assist in locating one document or to answer a small part of an overall request. However, the author occasionally does receive Congressional inquiries directly. During the period under review, for example, a staff member of one of the Congressional committees called for assistance twice, once for help in tracing legislative history in the UN General Assembly on matters relating to UNICEF and the second time for assistance in examining UN debates concerning the Committee on the Status of Women. It should also be mentioned that a good many inquiries the author receives are for specific older documents that do not show up in the Library's catalog and that cannot be located by the first librarian approached. Such questions are likely to be for specific documents of the International Labor Organization, UNESCO and the Food and Agriculture Organization, as well as items from the United Nations General Assembly, Security Council and Trusteeship Council.

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Most Recent Legal Requests. A review of questions handled during April 1985, which are those freshest in my mind, reveals three worthy of mention. In one case a staff member of one of the embassies in Washington came in one evening asking for the text of the Convention Against Torture. Because this convention was just adopted by the 39th UN General Assembly in December 1984 (and was only a few pages in length) there was no way to pick it up through LC's bibliographic apparatus or the UN indexes. The reading room staff member suggested to the inquirer that he call me the next day. When the person called I knew immediately where to locate the text because I had clipped a press report on the Convention and had referred to it in a column of "International Organizations News" I contribute to every second issue of Pergamon Press' bimonthly, Government Publications Review. The column in question had just gone to the printer April 2, 1985. The Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the only treaty to have been agreed upon at the 39th General Assembly, was adopted December 10 as Resolution 39/46. The text appears as the annex to the resolution in the press release version of the General Assembly's Resolutions and Decisions Adopted by the General Assembly..., a 636-page compilation received in February 1985. This was long before the collected edition of resolutions, issued as a supplement to the General Assembly Official Records, would be available. While the text in the press release version might have been sufficient to answer the question which had been received from one of the government's ministries, the author felt it would be best to locate the original UN document in which it would have been published. The Serial and Government Publications Division did not have the individual resolutions for the 39th session filed as yet, but I knew that a large batch of new UN documents was being sorted for filing. Happily, the resolutions had already been sorted out, and I managed to locate the original document version issued as A/RES/39/46 (16 p.). The embassy staff member was happy to have the information about the availability of the Convention and sent a messenger the same day to obtain a copy of the item.

Another question received in April was from an LC cataloger who was trying to upgrade the CIP (cataloging in pubication) record for a new book about the International Court of Justice. In particular, she was concerned about the presence or absence of the name of the series, "Legal Aspects of International Organization," and she asked me about two other volumes in the series published earlier that she had been unable to obtain from LC's stacks.
Luckily, I had placed a flyer advertising the series in my vertical file on the ICJ. This gave the names of four volumes and showed the series title. I rechecked the shelf, but the two volumes already cataloged were not there and were not charged. Even so, the inquirer was happy to have the information about the appearance of the series name in the

advertising flyer. From my standpoint, however, what was most interesting about this inquiry was that one of the other volumes in the series was by a foreign scholar who had been in Washington for a number of months and who had contacted me for assistance on numerous occasions while working on his study of the International Court of Justice.

Perhaps most interesting of the three relevant April 1985 requests was one from a representative of one of the city's largest law firms who needed information on the status of the so-called "Moon Treaty." The formal name for this is "Agreement Governing the Activities of States on the Moon and Other Celestial Bodies" and it was adopted by the UN General Assembly on December 5, 1979. The inquirer said the lawyer had the information on the status through 1983 but urgently needed the information on the treaty's status up to the present. Examining the volumes of the series, Multilateral Treaties Deposited with the Secretary-General (ST/LEG/SER.E/...), the two of us noted that there was no volume later than 1983. Perhaps new information could be found in the most recent issues of the UN Chronicle, but as a first step I called my Congressional Research Service colleague who would be likely to have the latest information. This individual happened to be out of the office, and to satisfy the inquirer, the author placed a call directly to the librarian of the UN's Office of Legal Affairs. This person also happened to be out, but an assistant said he would be glad to transfer the call to the Treaties Section. This was accomplished quickly, and I learned that one additional country had ratified in 1984 and the treaty had gone into effect 30 days later. While there was no question that this information was correct, it contradicted the lawyer's expectation, as expressed in his draft footnote, that the treaty was not likely to enter into force at any time soon. To satisfy the inquirer completely, I suggested examining the treaty's final clauses where details would appear on ratifications and the date when the treaty would enter into force. The text of the final clauses was located quickly in the press release version of the UN's 1979 General Assembly resolutions. This confirmed the number of states needed to assure ratification, and the author then located the Official Record version of the General Assembly's 1979 resolutions that could be used for a proper citation.

Most Frequent Legal Requests Handled During Recent Months. Reviewing the full range of legal questions received over 18 months, the author noted a number of interesting or typical questions. On two occasions, for example, requests came for the text of the Convention on the Law of the Sea before there was an LC catalog record. This shows the usefulness of developing contacts, as I had received a copy of the UN publication, The Law of the Sea: United Nations Convention on the Law of the Sea with Index and Final Act of the United Nations Conference on the Law of the Sea. The volume was available for immediate use by the inquirers. In another

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case involving the Law of the Sea, an inquirer needed information on the number of sessions at the Third UN Conference on the Law of the Sea and the delegates at the sessions. A chronology of the Third Law of the Sea Conference, appearing in volume 20, no. 3 (1983) of the UN Chronicle revealed the dates and places for the 11 sessions held between December 1973 and September 1982, and I then showed the inquirer the "Inf" series of mimeographed documents of the Conference (A/CONF.62/INF/... for the lists of delegates at the various sessions. In still another case relating to the law of the sea, an inquirer needed a "Guide to Instruments Affecting the Legal Status of Straits," a document of the First United Nations Conference on the Law of the Sea, 1958. The Official Records of this Conference were issued in seven volumes and the author located these without any difficulty, but the needed document was not included. The only recourse then was to go to the collected set of UN documents where the 1957 document (A/CONF.13/14) was located. In another question on the law of the sea, an office in one of the major U.S. Government departments called because of the need for a map illustrating various formulae for the definition of the continental shelf. This was included with document A/CONF.62/C.2/L.98, but the map was not present in the department's principal UN collection or its map library and was unavailable in another office which might have had it. Even though "L" documents are limited distribution items not normally sent to librares, LC sometimes receives copies. In this instance, however, we did not have the item and could not help.

A final illustration relating to the Law of the Sea Convention was a request in February 1985 for information on whether a particular country had signed and ratified the convention and whether it was in force. From the 1982 volume of Multilateral Treaties Deposited with the Secretary-General and the 1983 addendum, the author learned that the Convention was not yet in force. To obtain further information, I next contacted my colleague in the Congressional Research Service who quickly provided a one-page UN press release of January 18, 1985 (L/T/3636) giving details. According to this, one hundred and thirty-nine countries had signed the Convention, including the country in question. As of January 18, 1985, only 13 countries had ratified, whereas the Convention would not come into force until 12 months after the date of deposit of the sixtieth instrument of ratification or accession. While this information answered the question at hand and was an up-to-date source of information, the person who posed the original query contacted me several more times about the matter. He asked how the press release could be cited and which libraries would have it. The author explained carefully that this was the latest information and was from the United Nations itself but it was a press release and not an official document [7]. It could certainly be cited, but press releases are not distributed to libraries.

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The next most frequent subject of the inquiries emanating from members of the legal community related to human rights. The same individual referred to immediately above raised a question at approximately the same date about the Universal Declaration of Human Rights. His query, which was whether the same country had ratified the Declaration, was posed first through a legal reference specialist. When the first librarian queried me, I provided a page from the 1948 edition of the Yearbook of the United Nations showing that the Universal Declaration was a resolution that the third session of the UN General Assembly adopted in December 1948 [8]. The country in question had voted for the resolution which was adopted and proclaimed by the United Nations General Assembly, but since the Declaration was not a treaty there was no question of ratification. At the same time, the author provided the reference librarian with a table of ratifications of 21 major human rights agreements -- not including the Universal Declaration [9]. The original inquirer must not have been entirely satisfied, however, and came to me personally within in a few days; the same information was provided directly to him along with some explanatory background.

In another case a staff member of one of the major U.S. Government departments was referred to me for information on several human rights instruments, including the Universal Declaration of Human Rights and the American Convention on Human Rights (Pact of San Jose, Costa Rica) which was signed in 1969. In this instance the information was located most quickly in a Federal document and it was the easiest source to provide for use and citation [10].

Among other questions on human rights, I received several on the Genocide Convention at the time the question of ratification came up during 1984. In one instance a major Federal department was interested in obtaining a 1948 UN document, E/623, containing comments by governments on the draft convention prepared by the UN Secretariat. This was not a case where the document was lost, but old items such as this have been placed in storage and it would have taken a number of days to retrieve the document. Happily, the author located the 52-page mimeographed document along with four addenda and saw to it that the needed pages were copied.

As you might well imagine I received quite a number of inquiries in recent months relating to the International Court of Justice. In one instance, the inquirer was trying to locate the text of a lecture delivered at the UN on June 7, 1978, by the current President of the Court, Taslim O. Elias. Realizing that LC was not likely to have received or cataloged a single lecture, I searched for a reference to it. The 1978 edition of the United Nations Juridical Yearbook (ST/LEG/SER.C/16) contained in its bibliographical section on the Court a listing for the 15-page Gilbert Amado Memorial Lecture delivered in June 1978 by Judge Elias. This bore the

title, "The International Court of Justice and the Indication of Provisional Measures of Protection." As luck would have it, the author had saved the title and contents pages from a 1983 volume by Justice Elias entitled The International Court of Justice and Some Contemporary Problems: Essays on International Law [11], and I was able to point out that the 1978 lecture had the same title as one chapter in this book. The inquirer had the volume in his collection and appeared to be satisfied with the information provided.

In still another instance, this writer and a staff member of LC's Law Library were asked to try and locate approximately 20 works cited in the bibliography on the International Court appearing in the 1946/47 edition of its Yearbook [12].

Another query relating to the ICJ came from a Congressinal office by way of LC's Law Library. This was a question about the availability of the most recent documentation of the Court. I mentioned that the ICJ has a Communiqué series containing unofficial news reports on the Court, but pointed out also that LC probably would still not have the most recent issuances. To meet the Congressional office's needs, I reported which person on which phone number at the appropriate Federal department would have the latest information on ICJ documents that were available.

As indicated earlier, some intergovernmental organizations provide libraries only with their publications and not their documents. Two organizations where this is the case and where LC receives quite a number of inquiries are the General Agreement on Tariffs and Trade and the Organization for Economic Cooperation and Development. Depending on the type of inquiry, the author can sometimes provide some assistance. In other instances where the inquiry is a serious one and LC has no material, the best course is to refer the inquirer to the appropriate government offices. Two recent requests for GATT materials were for a specific document or series of documents. If the inquirer had already tried to consult the GATT publication, Basic Instruments and Selected Documents and its successive supplements, I referred the party to one or two of the Federal agencies that have the GATT documents. It is my hope that some day it may be possible for LC to achieve basic coverage of GATT documents through obtaining a microform set.

For OECD the author sees no hope of obtaining coverage of documents, although he has learned through a contact at the Department of External Affairs in Ottawa that the departmental library is purchasing microform documents. In recent months several inquiries about OECD documents have come to me. One request in February 1985 was for a document on waste disposal and another the same month from a local law school was for two documents on trade matters. When the author reported that LC would not have these two items, the

inquirer reported that he would go back to his law school professor and to the original source of the reference. Another recent request was for an OECD recommendation of September 1976 on a comprehensive waste policy. In this instance I thought it possible that one of OECD's publications might contain relevant information, if not the precise text of the recommendation. Quite often, in the case of OECD inquiries, I will review the latest publications catalogs as well as the latest supplements to see if there is a relevant publication that might be useful. In some cases the author will refer an inquirer to one of the principal officers of the OECD office in Washington who has detailed information at his fingertips and can sometimes satisfy an inquirer's need. In one instance recently a representative of a local law firm inquired about OECD documents on the subject of transborder data flow. While LC had no documents, I was able to mention one or two relevant publications. The very next day the same person returned looking for UN materials on transborder data flow. In this case, the author could show him reports in the journal of the UN Center for Transnational Corporations, the CTC Reporter, as well as sales publications issued in the ST/CTC series and detailed documents of the Commission on Transnational Corporations which bear the symbol E/C.10. On this subject of transborder data flow, I recently noted a press report stating that the 24 OECD countries had adopted in April a declaration on transborder data flow. Although this is likely to appear in some publication at a later date, this librarian, anticipating future needs, called the local OECD officer and asked if the text of this declaration was available in some form. The answer was that it was in a two-page press release; a copy of this release (A(85)30), "Declaration on Transborder Data Flows" was in the mail in the next couple of days.

Several inquiries have come in recently from people interested in tracing the issues involved in the Code of Conduct for Transnational Corporations. One request in April 1984 was from a Congressional office, but the most recent query was in March 1985 from someone at a local law school. As shown by the documentation I provided to this inquirer, negotiations on the Code have been going on for approximately seven years and they are presently at an impasse. Detailed information on the subject appears in the same sources mentioned just above, namely in the CTC Reporter, the documents of the Commission (E/C.10) and in the reports of the Commission on Transnational Corporations. The latest of these reports to the Economic and Social Council (which are issued as supplements to the Economic and Social Council Official Records) bears the symbol E/1984/18.

Although there are many other inquiries that might be useful to discuss, space does not permit a detailed account. Among other questions that have come up on more than one occasion are those involving environmental treaties, status

of forces agreements and narcotic laws. As a final item, I might mention that I have had two inquiries recently about the availability of Arabic versions of UN legal materials. In one case an individual sought an Arabic translation for the 1969 Vienna Convention on the Law of Treaties. There was no way that LC would have this, and the author placed a telephone call to the librarian of the Office of Legal Affairs at UN headquarters in New York who reported that no official translation was available. However, an unofficial translation was prepared for a later UN conference, and a copy could be provided. Within a couple weeks, I received directly from the UN a March 1977 document, A/CONF.80/WP.2 [13], which was an unofficial translation of the Vienna Convention on the Law of Treaties. When the author contacted the original inquirer to report that the translation had arrived and would be mailed to him, the individual was extremely grateful. It is not often that the librarian receives letters of thanks for his services and none was received in this particular case, but the numerous expressions of thanks, no matter what form they take, do much to make the reference librarian's job a truly rewarding one.

Conclusion. It is my hope that the information provided in this paper will be of some use to those librarians who are continually faced with the task of assisting individuals doing international legal research. With more than 300 intergovernmental organizations, many of which are active in developing new international agreements, the law librarian may need to refer quite often to those libraries that have the most substantial collections of international materials. It should be clear from what has been said, however, that even where a library possesses a very large collection of IGO documents, there will be many occasions where the library will not have the documents wanted.

In my view it is important that those trying to serve clients working in the field of international law try to develop ties with international documents librarians in the large research libraries and also with librarians and information specialists in the various IGOs. At the same time it would be desirable for librarians to seek opportunities to develop contacts with government officers whose work involves them officially with the various international organizations.

Notes and References

1. See the 20th (1983/84) and 21st (1984/85) editions of the Yearbook of International Organizations (Brussels: Union of International Associations).

2. Luciana Marulli, Documentation of the United Nations System: Coodination in its Bibliographic Control (Metuchen, N.J.; London: Scarecrow Press, 1979). The estimates on the number of publications and documents are given on p. 187. For a discussion of the difference between publications and documents, see idem, pp. 3-6.

3. The United States Government Manual, 1984/85. (Washington, D.C.: Office of the Federal Register, National Archives and Records Service, 1984).

4. See the author's "International Organizations Documentation: Resources and Services of the Library of Congress and Other Washington Based Agencies," Government Information Quarterly v., no.1, 1984, p. 66.

5. Cf. the subjects cited on p. ii of International Legal Materials: Cumulative Index, 1970-1979 (Washington, D.C.: American Society of International Law, 1985).

6. This series which began in 1981 replaces the main part of Multilateral Treaties in Respect of Which the Secretary-General Performs Depositary Functions (ST/LEG/SER.D/) published from 1967-1980.

7. Rechecking this source, the author came across one of the occasional problems that can occur in using unofficial sources. UN document A/39/647, a report by the Secretary-General to the General Assembly (November 16, 1984) showed approximately the same number of signatories (138) but Addendum 1 (December 12, 1984) shows the total number of signatories on December 9, 1984 (date of closure) as 159.

8. UN General Assembly Resolution 217 A (III), December 10, 1948.

9. Human Rights Instruments: Signatures, Ratifications, Accessions, etc., 1 September 1983. (New York: United Nations, 1983 (ST/HR/4/Rev.5).

10. U.S. House of Representatives. Committee on Foreign Affairs. Human Rights Documents: Compilation of Documents Pertaining to Human Rights. (Washington, D.C.: U.S. Govt. Print Off., 1983).

11. The Hague: International Court of Justice. Yearbook, 1946/47.

12. The Hague; Boston; London: Nijhoff.

13. United Nations Conference on Succession of States in Respect of Treaties (A/CONF.80/...).

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81-1ALL-3-E

The Availability of Research Tools in Public International Law, especially for Documents and Publications of Intergovernmental Organizations

SUMMARY

Joachim Schwietzke, Library of the Max-Planck-Institute, Heidelberg

The complete paper may be obtained by writing to the author at
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D - 6900 Heidelberg - Germany

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I. Introduction

1) Availability of research tools in national law and public international law

Gaining access to materials of public international law is more difficult than to materials relating to the national law of single states.

The greatest part of the publications relating to the law of a particular state is published within this state. The duty to deliver a deposit copy, which exists in many countries, makes the publications relating to the law of this country available in the national library - arranged alphabetically and by subject. In addition there is frequently published a printed national bibliography, which makes these publications generally available.

The many members of the legal profession in a country, who are occupied with various facts of the country's legal system, are interested in gaining easy access to the legal publications of this country. Consequently many private institutions and persons try to produce bibliographies of legal publications. There are existing in many countries regularly - monthly or annually - published catalogues or lists of legal literature, containing books and articles. Moreover, there are numerous bibliographies of official institutions or private persons relating to specific subjects.

However in the field of public international law there is lacking an official institution which tries to compile as completely as possible the available literature. It is true, that national bibliographies often include books and articles on public international law, but included are only those materials

which are published in the respective country. Literature on public international law, however, is published in nearly all states of the world and to be informed about all relevant materials relating to a certain subject within this discipline it is totally insufficient to consult some national bibliographies.

It would also be insufficient to consult the bibliographies of the "most important" countries, although it could be argued that there are some countries with a relatively large number of publishers producing books on public international law. Public international law concerns questions relating to all countries, hence the publications of all countries, as well their official publications may be relevant. It happens that from certain regions of the globe have come specific opinions on questions of public international law, for example from Latin America relating to the law of the sea or in the developing countries relating to the distribution of natural resources. These opinions cannot be disregarded and are possibly under-represented in the output of the great publishers.

If it is true that there is lacking an "official" institution which tries to compile the literature of public international law, there are on the other hand, private institutions and persons who try to fulfil this task. It must be taken into consideration however, that the number of lawyers interested in public international law is small in relation to the total number of members of the legal profession and for this reason alone the number of bibliographies of public international law is relatively small. In addition the bibliographies of public international are confronted with two key difficulties. Firstly

the publications they try to compile are published in all countries of the world and are therefore very difficult to discover. Secondly, the materials are written in many languages which one person alone can hardly be expected to comprehend.

II. Bibliographies of Public International Law

1) General research tools

...

On pages 3 to 71 the subjects mentioned in the contents (see pages I to IV) are discussed extensively. Due to the IFLA-guidelines, which place a limit on the number of pages in a paper distributed at this conference, a distribution of the complete version of this paper is not possible. However the complete paper may be obtained by writing to the author (see title page).

...

VII. Conclusion

Taking an overview of this necessarily incomplete, but comparatively long paper, it is evident that there are in fact many research tools for gaining access to public international law materials and even the publications of intergovernmental organizations. Some types of publications, we have seen, are quite accessible and well indexed. For instance there does exist a world-wide treaty series and a world-wide index of articles.

It is also obvious that perfect or complete publications cannot be expected, having regard to the many different countries whicl participate in the production of public international law li-

terature. It will always be difficult to find the most recent treaties of smaller states, or the secret treaties of larger states. In this regard librarians and others interested in this material will remain beggars, and beggars cannot be choosers.

As noted above, it is more difficult to find the publications of international and intergovernmental organisations than the publications of commercial publishers. While at least all UN-documents are published it seems nearly impossible to obtain publications from some intergovernmental organizations, we were unable to discuss here, for instance from the "Organization of African Unity" or the "Arab League". Even the parliamentary papers of such an institution as the European Parliament are not completely distributed.

Moreover, the documents of international organizations which are available are normally not very well indexed, making access to the most recent publications difficult. Journals of public international law which devote many pages for the review of books, pay little attention to the announcement of these materials.

Information about new documents given by the organizations themselves, especially by the smaller ones, is mostly unsatisfactory. Often it comes too late, and when the information is given, the document is sometimes already out of print.

How can we better this situation? Could computers be of assistance here? With regard to books this is certainly true. When the catalogues of libraries specializing in public international law will be available on-line, there will be access to new books under both their key word or systematic position. In the United States, I understand, this accessibility in regard to

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books already exists to a large extent, and for articles a similar solution is within sight.

However, from the computers can be expected no miracles. Databases can only put out what has been put into them. Hence, when an intergovernmental organization proves unable to put information regarding its publications down on paper, it will also be unable to feed the same information into the computer.

There exist already now, quite a number of bibliographical publications which are produced with the aid of databases. UNDOC for instance, a product of the "United Nations Bibliographic Information System" (UNBIS), uses a computer-based on-line system; nevertheless the printed annual cumulation is [illegible] years late and the printed monthly edition about six months late. With the ILO's "International Labour Documentation" there now exists a machine readable version entitled LABOR/DOC. Soon there will be available on-line, DUNIS - the on-line version of the "Directory of United Nations Informations Systems" [1]. DUNIS enables users to see which systems, services and databases are currently available within the United Nations network. Updated annually from 1980 onwards it covers over 230 United Nations Information Services and over 100 computerized databases and databanks.

Although computers are used in the United Nations, the most important UN-documents continue to be published late.

The availability of United Nations documents could improve, if

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1 Paper version: Directory of United Nations Information Systems
Inter-Organization Board for Information System. Geneva 1980.
vol. 1. Information Systems and Data Bases, 465 p.
vol. 2. Information Sources in Countries, 215 p.

they were published, not only as separate documents, but in addition, in bound volumes. This could be done, for instance, with the General Assembly Official Records. It would also be helpful, if the United Nations published, earlier than the monthly UNDOC Numbers, lists including document symbols. In addition, when sending batches of documents to depositary libraries, a list should be included, containing the symbols of all papers in this batch - a practice sometimes followed by the distribution offices for parliamentary papers.

It would also be helpful if all states would begin to publish rapidly their treaties in journals. Rarely are treaties intended to be kept secret and only the impulse to invest funds in their publication is needed. Last but not least, it would greatly aid the availability of documents of relevance to public international law, if the different government printers, and official institutions of each country, would make possible the acquisition of all documents to customers of their own country, and to customers from foreign countries. There are certainly also possibilities for law librarians to improve the availability of research tools on international law, often by simple means. I can not enumerate them here, but it is the aim of this paper to stimulate and to inspire a discussion on this subject.

164-MAN-1-E

LAW AND COMPUTER SECURITY:

THE AMERICAN EXPERIENCE

By: August Bequai, Esq.
Washington, D.C.

(Before the International Federation of
Association and Institutions,
Chicago, Illinois
August 19, 1985)

Beeling 71.

With the growing proliferation and use of computers in all industries, the potential for computer-related legal liabilities is both real and great. Retail stores, financial institutions, computer users, and others have ample reason to be concerned. Computer-related litigation is on the increase; it can prove both costly and time consuming. Thus, it behooves members of the business community to know how to avoid its potential legal pitfalls.

Computer Litigation in America

Much of the computer-related litigation has centered around computer errors, malfunctions, and abuses and misuses of the system. The targets of this litigation have included banks, retailers, credit card companies, public utilities, air carriers, credit reporting agencies, and many others. Every business and industry is a potential target of this litigation. You need not, however, be "open game" for lawyers. Identifying and understanding the potential sources of this litigation is a must for management; it can

often eliminate or limit your legal exposure. Many of the sources of the legal exposure are both within the control and ability of management to avoid.

Any mass technology which daily records and transmits information on millions of individuals and organizations, runs the risk of error, malfunction, natural disaster, fraud, theft, abuse, or some other event that can often cause a loss to those it services. Losses emanate from any of the following stages of an EDP operation:

- stage at which data is collected;
- type of data that is collected;
- how the data is collected;
- manner in which erroneous data is corrected;
- how the data is updated;
- who has access to the data;
- how the data is disseminated;
- measures taken to safeguard the accuracy and integrity of the data;
- when and how notice is given to a customer/user; and
- legal duties and obligations imposed by the community.

Much of the past litigation has centered around such things as the release of false or erroneous:

- financial/marketing data;
- personal/medical information;
- customer lists;
- mailing lists;
- credit reports;
- pricing and inventory data;

- product development data;
- statistical findings;
- projections;
- bills;
- electronic funds transfers; and
- others.

Litigation has also revolved around the theft or copying of programs and trade secrets. Industrial espionage - and the theft of high technology - has also spawned a multitude of lawsuits.

The activities that most often give rise to legal exposure, and those that you should be most concerned with, are:

- natural disasters - these can be the cause of litigation in those cases where an organization fails to adequately safeguard against such natural phenomena as:
  - fires
  - earthquakes
  - floods
  - lightning
  - other disasters
- mechanical malfunctions - an organization should take steps to insure that the EDP system is properly serviced.
- personnel errors - the staff should be sensitized to the need for data accuracy. The organization may be liable for the errors of its personnel.
- negligence - the staff's failure to take adequate and reasonable steps to safeguard the system from fraud, abuse, misuse, or breakage can open the organization to a lawsuit.

- contractual disputes - your contract defines your duties and obligations. Be sure to abide by them.
- strict product liability laws - some courts may hold your organization to a strict liability test. It matters little how it happened; only that it did occur and someone was injured.
- electronic interceptions - EDP systems are open to an array of sophisticated electronic interceptions. A failure to adequately guard against them could open you to a lawsuit. The ones you should guard against include:
    - wiretapping;
    - electromagnetic pickups;
    - browsing;
    - between-the-lines entry;
    - piggyback entry; and
    - trap-door-entry.
- fraud, theft, and abuse - gun manufacturers have been sued by the victims of crimes for failing to take adequate measures to safeguard their products. Store owners and the owners of residential buildings have been sued for failing to institute adequate safeguards. Crime by computer is a serious and growing business; it victimizes society to the tune of over $100 million. The news media makes mention of it daily; it can hardly be said that modern management is not aware of it; thus, a failure to enact adequate security measures could result in litigation.

Legal exposure from computer-related crimes could thus

result from a failure to:

- safeguard the system from use by unauthorized personnel;
- secure the system from manipulations involving the theft or diversion of goods, merchandise, services, or other property;
- safeguard the system from the theft of the disclosure of valuable/confidential data;
- prevent use of the system to pull-off financial capers (for example, embezzlements, "ghost employee" schemes); and
- secure transmitted data from illegal interceptions.

In guarding the system, be on the lookout for:

- theft of data;
- unauthorized use;
- vandalism;
- sabotage;
- espionage;
- financial frauds;
- theft or diversions of property; and
- other abuses.

Legal Obligations

Computer manufacturers, vendors, users, and others, would do well to beware. There are a multitude of laws, rules, and regulations that could be employed by injured parties to bring lawsuits for damages. The areas of greater concern revolve around the law of:

◦ contracts: agreements between two or more parties are often the basis for legal liability. To limit an organization's contractual exposures, its legal staff should see to it that its staff abide by the duties, obligations, and other responsibilities detailed in the agreement.

◦ negligence: under the common law, a person who breached a legal duty or obligation he owes to another was held liable for damages suffered by the latter as a consequence of that breach. The common law of negligence has now been codified by many of the states; thus, a failure by the staff of an EDP system to exercise adequate precautions can open its organization to litigation. Most negligen related lawsuits often center around:

◦ computer errors and/or malfunctions; or

◦ a failure by the EDP system personnel to exerci needed diligence to remedy a problem.

The plaintiff needs, however, to demonstrate that of his reliance on the defendant's act(s), he was

◦ privacy: computer technology makes it possible nate voluminous data at the press of a button. bears the responsibility that the data stored seminated by its computers, be accurate and b only to an authorized individual. An errone orized disclosure could cause a person or a mic loss. For example, a police computer housewife in jail by mistake when it mist her as an escaped convict. In a similar

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company erroneously overbilled a customer by $200 without his knowledge; he was later denied credit for "failing to pay his bills."

The courts have long recognized that an individual has a right to control information as regards himself; he has a right not to be "placed in a false light." Acts which cause him anguish and distress are thus actionable; the disclosure of inaccurate or misleading information can be the basis of a lawsuit.

- defamation: corporations and living persons have a right not to have false statements (either written or oral) made about them. If an organization disseminates false information about one of its customers, and that information impacts adversely on the reputation of the customer, it can sue for defamation. The only defense to a defamation suit is the truth; the fact that the disclosure was in good faith is not a defense.

There are also a number of Federal laws and regulations which could place additional obligations on organizations that operate in interstate/foreign commerce, and deal with Federal agencies (such as financial institutions). The ones of special concern, and of potential application to EDP systems, include:

- Fair Credit Reporting Act - it has application as regards the accuracy and privacy of computer-generated data;
- Equal Credit Opportunity Act - requires that computerized credit files be current and confidential;
- Tax Reform Act - directs financial institutions to notify

their customers when the Internal Revenue Service issues a summons for their computerized records;

- Right to Financial Privacy Act - limits access to computerized customer records by requiring government investigators to produce a subpoena, summons, or search warrant, for their release;
- Bank Secrecy Act - authorizes the Secretary of the Treasury to order financial institutions to record the identity and activities of specific customers;
- Electronic Funds Transfer Act - outlines the liabilities, duties, and obligations of financial institutions vis-à-vis their customers. It also provides criminal sanctions for some computer-related crimes and abuses;
- Truth in Lending Act - requires timely and meaningful disclosure as regards credit costs; and
- Foreign Corrupt Practices Act - outlines measures for ensuring that computerized payment systems are not employed in foreign payoff, bribery, and kickback schemes.

Added Sources of Litigation

Legal liabilities may also arise out of misappropriating "information and systems" belonging to another. For example, a vendor sued several former employees and a user for copyright infringement; it alleged that the defendants had misappropriated confidential "information and technology." Much of the litigation in this area centers around the misuse of another's software; lawsuits in this area are on the increase, and the law is fraught with many

trappings. You would do well to beware.

Potential litigation in this area can often arise from three areas of the law. Although the courts differ in the interpretations they give these laws, you should nevertheless be aware of them; they are as follows:

° copyrights: the objective of these laws is to protect the specific expression of an idea (not the idea itself) from infringement. However, bringing software within the protection of the Copyright Act of 1976 had proven difficult. This changed with passage of the Computer Software Copyright Act of 1980. Section 101 of the Act defines a program as a set of statements or instructions, to be used in a computer in "order to bring about a certain result." The Act also provides the owner of a computer program with the right to copy it or transfer rights in it; including sale and leasing arrangements. While copyright experts hold that the 1980 Act is drafted "poorly," suffice to say that one who purchases software from dubious sources, should be cognizant of the potential legal exposures it faces in this area.

° patents: these cover any new and useful "process, machine, manufacture or composition of matter" which is "unobvious." Whether the patent laws cover software remains in dispute. The Patent Office has, traditionally, been opposed to applying them to computer programs on the grounds that they grant monopoly rights over something that should be freely stored. Many courts have likewise held that programs

are not patentable. The U.S. Supreme Court, however, has demonstrated a willingness to bring programs under the safeguards of the patent laws; however, this area of the law remains, at best, murky.

- trade secrets: unlike the copyright and patent laws, these have no Federal statutory framework. These are state laws, decided on a case-by-case basis. To ensure their application, a plaintiff must demonstrate that:
  - the matter being protected is actually used in its business;
  - it is something that is not generally known in one's trade or business; and
  - it lends its owner a competitive advantage.

These laws, however, would not be effective against a third party who develops the same program independently. However, someone who purchases a copied or misappropriated program could find itself open to a lawsuit from the rightful owner of the program.

Regulatory Obligations

The American economy is a regulated one; the free enterprise system survives only on paper. Many of our key industries are regulated daily from the bureaucrats in Washington, D.C. Some of the more important regulatory concerns, especially for financial institutions, are as follows:

- Federal Deposit Insurance Corporation: these can take the form of civil or administrative action for -
  - unfair or deceptive practices;

- ° use of deceptive advertising; and
- ° limiting credit access.

° Federal Home Loan Bank Board: its concern is with -

- ° deceptive advertising regarding services; and
- ° deceptive advertising regarding finances.

° National Credit Union Administration: could bring action in cases involving -

- ° deceptive advertising; and
- ° deceptive representations.

° Comptroller of the Currency: can exert regulatory powers as regards -

- ° unfair or deceptive practices;
- ° misleading advertising;
- ° diversion of income; and
- ° limiting access to competitors.

° Federal Reserve System: regulates areas dealing with a failure to -

- ° provide adequate disclosure;
- ° correct inaccurate data;
- ° delete unverifiable information;
- ° remove obsolete information;
- ° provide periodic statements;
- ° avoid unfair or deceptive practices; and
- ° allow customers access to credit.

Preventing Litigation

You need not, however, be open to all of these potential liabilities. There are measures that you can take to safeguard yourself

from many of the legal trappings connected to the misuse or abuse of computer technology. These can take one or more of the following forms:

- personnel security: these will serve to limit liabilities connected to EFTS frauds, thefts, abuses, and other unlawful acts;
- physical security: this will serve to ensure the confidentiality and integrity of the data;
- software security: can curtail or eliminate system manipulations;
- communication security: will prevent electronic interceptions;
- education and training: an adequate training program can limit computer-related errors and malfunctions;
- service and upkeep: can limit breakdowns of the system and losses connected to natural hazards;
- sufficient liability coverage: will cover your losses; and
- legal awareness: key EDP personnel should be sensitized to the legal and regulatory framework within which they operate.

The computer revolution is upon us. Banks, retailers, public utilities, carriers, librarians, and others can take action to avoid costly and time consuming computer-related litigation and regulatory enforcement actions. These, oftentimes, stem from the manner in which organizations collect, record, store, and disseminate information. By taking adequate safeguards in these areas, organizations that operate in the United States can limit their potential legal exposure.

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ACCESS TO INFORMATION IN INTERNATIONAL LEGAL RESEARCH

BY

Jacob D. KOREVAAR

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51st IFLA Council and General Conference

ACCESS TO INFORMATION IN INTERNATIONAL LEGAL RESEARCH

Round Table of the International
Association of Law Libraries

August 20, 1985

Jacob D. Korevaar

Information Problems in International Trade Law

(Sources and Finding Tools)

1. When one wants to go into the Information Problems in International Trade Law, the titles of two television programs, that are currently presented in this country, come to mind: "The Twilight Zone," and the "Tales from the Dark Side."

Is not our first problem to know what is trade law? We all know that in many jurisdictions trade law has lived a sort of parallel existence with the civil law, as it did not fit into the Roman Law system as the latter lived in the minds of the legal profession. Later it was declared a "Lex Specialis," but always remained a classification problem. To the point that certain jurisdictions have done away with it and incorporated it into their "civil" law. In other jurisdictions, trade law seems to be an assembly of subjects connected with commerce and business, sales, transportation, shipping, insurance.

What makes International Trade Law? Here we enter another twilight. It is made up of Private International Law, national law which is based on internationally agreed texts, and on

uniform law. Some authors claim that an international "Lex Mercatoria" exists, others tend to deny this--this part of the zone is filled by an interesting and ongoing discussion.

All this might lead to discussions without limits. However, we want to limit our brief report to private trade law, and exclude other law pertaining to trade, as there are anti-trust, export restrictions, transfer of technology, etc. We also do not want to make an inventory of relevant titles and try to do again what Igor Kavass has done so well in the third number of Vol. 76 of the Law Library Journal. What we should like to attempt is to look into the ways and methods of a reference librarian's research in the matter. The idea of my remarks is that each one of our subjects and of the bibliographic forms has its own search strategy.

First we want to go back to the real dark side: we cannot assume that everything one should like to know is committed to publication. Publication may be purposely avoided or restricted by the interested parties. As examples I can tell you that "contract practices" are difficult to analyze, as parties as a rule do not communicate their contract texts to outsiders, even when they are lawyers. Interesting banking rules and practices are difficult to come by, as they are often internal to the profession. Parties often resort to arbitration or conciliation as they do not want to go public with their differences so involving prices, conditions, names of parties.

Whatever is published in International Trade Law cuts

through all literary "form" categories: books, articles in periodicals, treaties, legislative materials, documents of international organizations (governmental and non-governmental), reports (from courts and arbitrations).

From all these considerations it follows that our first idea must be: what am I really looking for? This involves mostly questioning the requestor. Because every field that composes International trade law, and each bibliographic category calls for its proper search strategy, we shall take a brief look at each of them: Private international law, unified law, lex mercatoria.

Private International Law--Conflicts of Laws. One of my teachers used to start his course by saying that the word "private" is questionable in this context, and that the same goes for "international." Anyway, the main source of it is found in the national legislations. There are some tricks. E.g., the main commentaries of German p.i.l. have to be looked for in the commentaries of the Civil Code. Treaties on p.i.l. like the treaties of the Hague Conference can either be found as other treaties are found, or by looking in the documents of the Hague Conference, governmental international organization. Reports on cases involving p.i.l. are in national reporters and in publications as the "Revue de droit uniforme." Secondary literature on p.i.l. is in the national indexes, where existing, and in the I.L.P. and I.F.L.P., Legal Resources Index, as well as in "Public International Law."

Unified Law. As we have seen, international trade law can be agreed upon internationally and subsequently incorporated in national legislation. The consequences for research are clear. There are publications giving the text of law on a particular subject in many countries. Even if these publications are not in the language you are looking for, you can use them to find the necessary references.

E.g. Wechsel-und Scheckrecht aller Länder.

As we all know, this unified law can be embedded in treaties, which have their own search methods.

Treaty search approaches I would suggest: For multilateral treaties: 1. The U.N. publication: Multilateral Treaties Deposited with the Secretary General/U.N. ST/LEG/SER. E/2), yearly renewed, 2. Take one possible party to the treaty and look in its national treaty series, 3. Guess which organization is behind the treaty and go through its list of documents, 4. Specialized collections of treaties, like Singh's Shipping Conventions.[1] The treaties can request the states-party-to-the-treaty to incorporate the uniform law into their national legislation, in which case you have to search also in the latter.

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1. Singh, Nagendra (comp.) International conventions of merchant shipping. London, 1983.

They can also place at the disposal of the merchant a set of rules to which a simple reference is possible.

But there are other tendencies of unification. On the municipal level, organizations of merchants in the same branch of trade, elaborate standard contracts, guidelines, "usages",[2] codes of conduct for their members.[3]

This tendency is being extended to international transactions. These texts are often difficult to find, as they are, in principle, destined for the participants of the given trade, and do not find their way into libraries. To find them I mostly use the Yearbook of International Organizations. The newsletter of the Baltcon shipping conference carries the mention "confidential." How many libraries have the publications of the International Federation of Consulting Engineers?

The international organizations--governmental and non-governmental--provide assistance to those--private entrepreneurs, consultants, lawyers, government agencies--in drawing up contracts, which often represent very large amounts of money. Their guidance takes the form of a model law, standard clauses, guidelines and codes of conduct. As you see, most of these are extensions into international practice of devices that existed already on the national level.

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2. Kassis, Antoine, Théorie generale des usages du commerce. Droit comparé. Contrats et arbitrages internationaux. Lex mercatoria. Paris, Librairie générale de droit et de jurisprudence, 1984, 603 p.

3. Farjat, G., Reflexions sur les codes de conduite privés, Le Droit des relations économiques internationales. Etudes offertes à Berthold Goldman. Paris 1982, p. 46-66.

In the case of unification of law by international organizations, you are condemned to look in the documents of the relevant organizations: Universal, like UN, ILO, WHO, and regional, like the European Communities, Comecon, the Organization of American States.

As to the U.N., I will mention in this context two of its services: the U.N. Commission for International Trade Law (UNCITRAL) and the U.N. Conference on Trade and Development (UNCTAD). The former has a yearbook, where you can find not only the main texts of the Commission but also a bibliography of the subjects that occupy the Commission.

Non-governmental organizations are another source, like the International Chamber of Commerce (see their list of publications), UNIDROIT (The Institute for the Unification of Law in Rome), publishing the "Revue de droit uniforme," and organizations in specific fields of economic activity, like the "Federation of Consulting Engineers."

Now as an example, let's take a look at the main texts of the international law of sales. Not to mention the earlier projects, we have the Hague Convention of 1964, a product of an international diplomatic conference. The authentic publication was done by the Dutch Government.

The U.N. Convention on the Law of Sales, Vienna, 1980 is a U.N. document.

The U.N. Convention on the Limitation Periods in the International Sale of Goods, New York, 1974, also.

You may also need the INCOTERMS of the International Chamber of Commerce. This is a non-governmental international organization. They issue the list of their publications to which I refer.

Secondary literature on the international law of sales can be found by way of the indexes--ILP, IFLP, Legal Resources Index, Public International Law; by bibliographies as those published in the UNCITRAL Yearbook and in the "Revue de droit uniforme."

In the indexes you will look under sales, contracts, etc.

Internationally, the "Revue de droit uniforme" contains reports, and cases decided by the Court of Justice of the European Communities are reported in the series of the Court, and in "European Law Reports."

The third important category are the Reports. Let me repeat that not everything is reported! There are the national reporters, general ones and those of commercial courts, and, in some cases special reporters of commercial arbitral awards. Such awards are sometimes reported in periodical publications of different kinds.

I have tried to make a sort of diagram as an attempt to guide a search in the field of international commercial law.

Besides, I want to mention a sort of publication, that can provide a short cut to the information you may want. I think of the many looseleaf services, where you can find in one publication treaties, national legislation, commentary, and cases, and, sometimes, bibliography.

In the short time of this Round Table, I think we can discuss a few headlines only. I want to conclude, however, by saying that lists, bibliographies, indexes and looseleaf publications cannot cover everything the reference librarian wants to have at hand. In my opinion there is a "residual" field that should be covered by some private indexing of recent materials and, maybe, of concern to one's own library only. It is in this way, to give you an example, that I found documents on the "East Asian Pepper Community." The more you prepare for anticipated queries, the less time they take when you have to answer them. It is for you to try to find the balance between anticipation and search-on-the-spur-of-the-moment.